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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,501	06/29/2001	Todd Flemming	26509U	6332

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NATH & ASSOCIATES  
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EXAMINER

SHIFERAW, ELENI A

ART UNIT PAPER NUMBER

2136

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/893,501

Applicant(s)

FLEMMING, TODD

Examiner

Eleni A. Shiferaw

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5, 7-9, 12-17 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-9, 12-17 and 19-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment and arguments with respect to amended claims 1, 12, and 20, previously cancelled claims 4, 6, 10, 11, and 18, and presently pending claims 1-3, 5, 7-9, 12-17, and 19-29 have been fully considered.

Regarding argument a personal access database, of the instant application, being updated once an authorized user has left or entered the door of a building and permits/denies access to information technology in accordance with the updated status of the authorized user, as argued on page 14 par. 3, it is not clearly claimed and the examiner disagrees with the Applicant's contentions, argument is not persuasive, see response to argument section below.

Regarding argument Mimura et al. failure to transmit a breach of physical asset protection in centrally-located host environment such that information asset protection is maintained by denying access, as argued on page 15 last paragraph, argument is not persuasive, see response to argument section below.

Regarding other amendments and arguments, arguments are deemed to be moot in view of the new grounds of rejection.

### **Response to Arguments**

Regarding arguments a personal access database, of the instant application, being updated once an authorized user has left or entered the door of a building and permits/denies access to information technology in accordance with the updated status of the authorized user, as argued on page 14 par. 3, it is not clearly claimed as argued and the examiner disagrees with the Applicant's contentions and would like to draw the Applicant's attention to page 11 last

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paragraph to page 12 par. 2 wherein Applicant's disclosure discloses proceeding with the **normal computer logon** by updating the network domain OS when a user has presented a valid credential to a door controller. When user is authentic at the door and tries to access the computer information a normal computer logon is still performed based on the update door authentication result, according to the Applicant's disclosure. The applied reference discloses a security system at the building door in advance and based on the authentication at the door and if the user is authentic/valid a staff information (staff number and fingerprint discrimination information) is stores temporarily in the temporary storage file 145 of the access management device 185 for later use when the user comes to the computer terminal 165, that has secure data, and request an access to secure data of terminal 165 (col. 5 lines 23-37). The **staff information provided based on valid user door entry** temporarily stored is used to provide user access to system resource/secure data at the terminal 165 upon normal logon (see col. 5 lines 50-col. 6 lines 67 and col. 7 lines 1-35). Temporarily stored staff information is erased when the user exits the door and when unauthorized user enters the building door with out being authenticated at the door and tries to access the secure resource terminal 165, he is denied access because the unauthorized user does not have the temporary stored staff information stored based on authentication at the door (see, col. 7 lines 11-23).

Regarding argument Mimura et al. Failure to transmit a breach of physical asset protection in centrally-located host environment such that information asset protection is maintained by denying access, as argued on page 15 last paragraph, argument is not persuasive and the examiner would like to refer Applicant's attention to col. 7 lines 11-28 wherein Mimura discloses the access management device 185 authenticating user access to terminal 165 by

comparing temporarily stored staff information with received staff information from terminal 165 and transmitting the verification failure result to terminal 165 when the comparison fails and the terminal 165 generating deny access and an alarm.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 7-9, 12-17, and 19-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mimura et al. USPN 6,747,564 B1 in view of Leppek US 2001/0001156 A1.

a physical asset protection module that provides physical protection for said asset by triggering a user status change upon valid entry or exit through a door of a building (fig. 1 & 8, col. 4 lines 23-42, and col. 6 lines 48-50, col. 7 lines 18-20, and col. 5 lines 23-37; *smart card door authentication based on user status change...storing staff info. when valid entry, erasing info. when user exits, and storing admission of the staff and verification result to the log file 180*);

an information asset protection module that provides information security protection for said asset (col. 4 lines 22-65; *bank door and bank user database, that stores important customer's information, authentication*);

an integrator that performs an integration of said physical asset protection module and said information asset protection module, wherein said system is one of in a centrally-located hosted environment (fig. 1 element 185, 125, 150, and 165) and at said asset, the integrator providing integration of the physical protection and information from the information asset protection module to grant rights to the information systems based on physical access, or independently of physical access, wherein the information asset protection reflects the user status change updated to reflect changes in security access requirements (col. 5 lines 50-col. 7 lines 55; *building authentication information result fails access to the computer database log-on is denied i.e. smart card door authentication is integrated with computer database/application authentication*); and

transmitter for maintaining information asset protection by denying access to the information asset in the centrally-located hosted environment when there is a breach of the physical asset protection (col. 7 lines 11-28).

Mimura et al. fails to explicitly disclose making access decisions in accordance with usage patterns of the user. However Leppek discloses monitoring user network resource usage activities and granting and/or denying access to another resources based on the user usage activities/patterns (see par. 0018-0020).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the teachings of user usage activity patterns within the system of Mimura et al. to protect access. One would have been motivated to do so because it would prohibit a suspicious unauthorized user (user who enters the building door illegally) from accessing further resources (computer information).

Regarding claim 2, Minura et al. teaches the method, said integrating step comprising providing:

maintaining and operating a software application that integrates said physical asset protection and said information asset protection in said hosted environment in accordance with user instructions (col. 4 lines 22-65).

Regarding claim 3, the combination of Minura et al. and Leppek teach the method, further comprising the steps of:

registering a user by storing user information (Minura et al. fig. 20 element 2060);  
authenticating a user by comparing at least one user characteristic from said user information with a third-party database; comparing a current asset use pattern with a historical asset use pattern for said user to detect anomalous usage (Minura et al. col. 7 lines 1-65);  
updating said historical use pattern on the basis of said current use pattern (Leppek 0008 and 0027);  
taking a corrective action, wherein a first corrective action is taken if said authenticating step generates a non-authenticated user output and a second corrective action is taken if anomalous usage is detected during said comparing step (Minura et al. col. 7 lines 1-65); and  
wherein said authenticating and comparing steps provide physical asset protection and information asset protection and are performed in said hosted environment (Minura et al. col. 7 lines 1-65).

Regarding claim 5, Minura et al. teaches the method, further comprising the steps of:

registering a visitor by providing initial visitor information (Minura et al. fig. 20 element 2060);

comparing said initial visitor information with a third-party database to determine if said registered visitor is entitled to access to said asset; and receiving said registered visitor in an authentication area (Minura et al. col. 7 lines 1-65);

checking a match of said registered visitor with a physical entity (Minura et al. col. 7 lines 1-65);

regulating entry on the basis of said checking and comparing steps, wherein said registered visitor is denied access if said registered visitor does not match said physical entity, or said comparing step indicates that said visitor does not have access to said asset (Minura et al. col. 7 lines 1-65); and

wherein at least one of said comparing step, said receiving step and said checking step provide physical asset protection and information asset protection (fig. 1 element 130).

Regarding claim 7, Minura et al. teaches the method, wherein one of said receiving step and said comparing step comprises applying biometrics to control access for said user (fig. 9 element 930).

Regarding claim 8, Minura et al. teaches the method, wherein said biometrics comprises one of scanning and testing a target tissue of said visitor's body (fig. 9 element 930).

Regarding claim 9, Minura et al. teaches the method, wherein said physical asset protection



comprises securing ingress and egress areas for a location protected by a physical barrier (fig. 1).

Regarding claim 13, the combination teaches the asset protection system, further comprising

a user tracking system that authenticates a user as a registered user and provides physical access and information access to said asset in accordance with historical use patterns of said user for said asset, wherein said user tracking system updates said historical use patterns in accordance with a current use pattern of said user (Minura et al. fig. 9 and Leppek 0018-0020).

Regarding claim 14, Minura et al. teaches the asset protection system, said historical use patterns comprising at least one of frequency, type and time duration (claim 1).

Regarding claim 15, Minura et al. teaches the asset protection system, further comprising a visitor tracking system that authenticates a registered visitor that has not been barred from accessing said asset, and allows access in accordance with reception authentication process (fig. 1).

Regarding claim 16, Minura et al. teaches the asset protection system, further comprising a biometrics authentication subsystem that uses physical data of said visitor to allow said access (fig. 9 element 930).

Regarding claim 17, Minura et al. teaches the asset protection system, wherein said physical data comprises a test data portion of said visitor's body (fig. 9 element 930).

Regarding claim 19, Minura et al. teaches the asset protection system wherein said integration is performed in response to an instruction to develop, maintain and operate a computer application to protect said asset (col. 2 lines 28-64).

Regarding claim 21, Minura et al. teaches the method, wherein said transmitting step comprises:  
providing user registration information to said hosted environment (fig. 5); and  
processing at said hosted environment said user information to generate said second signal (col. 7 lines 11-28).

Regarding claim 22, Minura et al. teaches the method, wherein said receiving step comprises receiving an access decision from said hosted environment, said decision being in accordance with biometrics of a user (col. 7 lines 11-28).

Regarding claim 23, Minura et al. teaches the method, further comprising comparing said user information to a third-party database to generate an authentication output as said second signal (col. 7 lines 11-28).

Regarding claim 24, Minura et al. teaches the method, further comprising the steps of:  
entering credentials of a user into an access database in said hosted environment to enroll said user (fig. 8); and

outputting an identification object in accordance with said credentials, wherein unauthorized access is denied by said hosted environment (fig. 8).

Regarding claim 25, Minura et al. teaches the method, said entering step comprising the steps of:

providing an authorized operator with permission to at least one of alter and append said access database (col. 5 lines 23-38);

obtaining a biometric from said user and searching for said biometric in said access database to generate a search result, wherein said biometric and credential data is added to said access database if said search result indicates an absence of said biometric, and if said search result indicates a presence of said biometric in said access database, one of verifying said credential data if said user is authentic and denying access to said user if said user is not authentic, in accordance with said biometric (fig. 9);

denying access to said user if said user appears in a barred user database (fig. 23);

determining if a photo of said user is in said hosted environment, wherein a digital image is imported to generate said photo if said photo is not present in said hosted environment; verifying that said photo represents said new user (col. 3 lines 1-12);

providing additional user information and user access privileges to said hosted environment (col. 5 lines 3-21); and

generating said identification object having a predetermined layout, said identification object comprising an encrypted three-dimensional barcode in accordance with said biometric and said credential data (fig. 7 element 820).

Regarding claim 26, Minura et al. teaches the method, said outputting step comprising the steps of:

receiving said identification object from said hosted environment and producing a copy of said identification object (col. 5 lines 23-38);

said user verifying integrity of said biometric, said photo and said credentials; and distributing said identification object to said user col. 3 lines 1-12).

Regarding claim 27, Minura et al. teaches the method, wherein said identification object is produced by printing an identification badge (fig. 1 element 200).

Regarding claim 28, Minura et al. teaches the method, wherein said biometric comprises a scan of a biological target tissue (fig. 5 element 515).

Regarding claim 29, Minura et al. teaches the method, wherein said target tissue comprises at least one of finger, hand and eye parameter (fig. 5 element 515).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A. Shiferaw whose telephone number is 571-272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

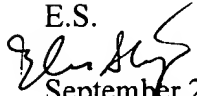
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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E.S.

  
September 21, 2006

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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

  
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